

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/821,983	MUKUNOKI ET AL.
	Examiner Eric Wendler	Art Unit 2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Amendment after Non-Final Rejection filed on 3/29/06.
2.  The allowed claim(s) is/are 1-20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



Eric Wendler  
Patent Examiner  
U.S. Patent and Trademark Office  
Part of Paper No./Mail Date 20060426

### **DETAILED ACTION**

1. This office action is responsive to the following communications: the Amendment after Non-Final Rejection filed on March 29, 2006.
2. Claims 1-20 are pending in the present application. Claims 1, 2, 3, 17, 18, and 20 are independent claims.

#### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. JP 2003-112576, filed on April 17, 2003.

#### ***Response to Arguments***

4. Applicant's arguments, see Amendment after Non-Final, pages 9-11, filed March 29, 2006, with respect to claim 2, have been fully considered and are persuasive. The rejection of claim 2 has been withdrawn.

#### ***Allowable Subject Matter***

5. Claims 1-20 are allowed.
6. The following is an examiner's statement of reasons for allowance: regarding claim 1, the prior art fails to teach first and second memory cells that differ in the composition or shape of the tunnel or capacitor insulating films, and the floating and control gate electrodes. Regarding claim 2, the prior art fails to teach that the change in the charge stored in the second memory cells is larger than the change of the charge of the first memory cells when a common voltage is applied to the word or bit lines of both. Regarding claim 3, the prior art fails to teach first and second memory cells that differ in

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the composition or shape of the tunnel or capacitor insulating films, and the floating and control gate electrodes. Regarding claims 17, 18, 20, the prior art fails to teach first and second memory cells formed of the same members that are connected to source electrodes by separate source lines, and wherein second memory cells connected in serial includes cells that are both shaped identically and differently from the first memory cells.

Claims 4-16, 19 are dependent upon the allowable independent claims and are therefore also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wendler whose telephone number is (571) 272-5063. The examiner can normally be reached on Monday - Friday 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJW  
4/26/06

  
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